

## **REASONS FOR DECISION OF THE TORONTO LICENSING TRIBUNAL**

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**Date of  
Hearing:**

February 20, 2025

**Panel:**

Verlyn Francis, Panel Chair

**Re:**

Mesfin Beyene Tereda (Report No. 7145)  
Holder of Vehicle-For-Hire Driver Licence No. D01-3616630

**Counsel for Municipal Licensing and Standards (MLS):** David Gourlay

**Counsel for Applicant:**

Unrepresented

### **MOTION TO PROCEED EX PARTE**

This matter was first scheduled for a hearing on June 18, 2020. Mr. Tereda was served with the Notice of Hearing but he failed to attend and the hearing was adjourned to July 14, 2020. Mr. Tereda did not attend the hearing on July 14, 2020 and, after satisfying itself that he had been properly served with the Notice of Hearing, the Tribunal proceeded to hear evidence and ordered the interim suspension of the Vehicle-For-Hire Driver's Licence until a full hearing could be held on the merits. The matter was adjourned until the criminal charges against Mr. Tereda were resolved when it would be brought back before the Tribunal for a full hearing on the merits.

The matter was brought back before the Tribunal on November 16, 2023, in error, and the Tribunal ordered that the July 14, 2020 interim suspension remain in effect until the Tribunal ordered otherwise.

The matter is before the Tribunal today for a hearing on the merits. Mr. Tereda failed to attend today's hearing.

Tribunal staff advised that, on January 22, 2025, the Notice of Hearing and 30-page report with two updates were sent by regular mail to the address on file for Mr. Tereda. This is also the address on his Ontario driver's licence extract. The mail was not returned to the Tribunal as undeliverable. Tribunal staff also called the telephone number on file for Mr. Tereda but the number had been out of service when they tried to contact him on November 16, 2023, and it remained out of service when they called at 9:23 a.m. today. MLS counsel also advised that MLS has had no contact with Mr. Tereda.

MLS counsel submitted that Mr. Tereda was properly served with the Notice of Hearing. He has never attended any of the hearing dates, and it is not expected that he will show up for the hearing on another date. There is an outstanding bench warrant for Mr. Tereda on the criminal charges. The prejudice to Mr. Tereda with proceeding with the hearing on

February 20, 2025

the merits today is limited because if he wishes to, he can make another application for a licence. MLS therefore requested that the hearing proceed ex parte.

### **RULING ON MOTION TO PROCEED EX PARTE**

Rule 17 of the Tribunal's Rules of Procedure permits a hearing to proceed if the licensee does not attend and he has been properly notified of the hearing time and place. Section 7 of the Statutory Powers Procedure Act (SPPA) provides that:

7 (1) Where notice of an oral hearing has been given to a party to a proceeding in accordance with this Act and the party does not attend at the hearing, the tribunal may proceed in the absence of the party and the party is not entitled to any further notice in the proceeding.

Tribunal staff have set out the attempts to contact Mr. Tereda after he was served with the Notice of Hearing by regular mail. The Notice was addressed to the last known address of Mr. Tereda and was the one still showing on his Ontario driver's licence abstract. The hearing in this matter was scheduled three times and Mr. Tereda did not appear at any of the proceedings, even though he was properly notified of the hearing time and place.

The Tribunal is satisfied that Mr. Tereda was properly served with the Notice of Hearing which sets out the date, time and place. Taking into account the evidence and submissions, the hearing on the merits will proceed in his absence.

### **INTRODUCTION**

On January 10, 2007, Mesfin Beyene Tereda (Mr. Tereda) was issued Vehicle-For-Hire Driver's Licence No. D01-3616630 by Municipal Licensing and Standards (MLS). This licence was due to expire on January 10, 2019 but a renewal payment was received on January 9, 2019. The licence, therefore, continued to be valid.

MLS became aware on November 15, 2018, that Mr. Tereda had been charged with sexual assault under section 271 of the Criminal Code of Canada (CCC). MLS's review of the Attorney General's Integrated Court Offences Network (ICON) also indicated that Mr. Tereda had multiple charges and convictions under the Highway Traffic Act (HTA).

On May 21, 2020, MLS sent Mr. Tereda a letter advising that his licence would be subject to a hearing before the Toronto Licensing Tribunal (the Tribunal).

At the end of the hearing, the Tribunal revoked Mr. Tereda's Vehicle-For-Hire pending the decision of the Tribunal. These are the reasons for decision.

### **ISSUE**

The issue before the Tribunal is whether the Vehicle-For-Hire Driver's Licence No. D01-3616630 should be revoked, suspended, or have conditions place on it.

February 20, 2025

## **CITY'S EVIDENCE**

Neil Singh, supervisor at MLS in the Dedicated Enforcement section, referred to Report No. 7354 which was entered as Exhibit 1 to this hearing with the updates. He testified that the May 21, 2020 Report was prepared by Jason Lutchman who was then acting supervisor and now manager with MLS. In his role as supervisor, Mr. Singh became aware of the report dated May 21, 2020. He was involved in the preparation of the January 22, 2025 update, as evidence by his signature on page 2.

As indicated on page 1 of the 2020 Report, Vehicle-For-Hire Driver's Licence D01-3616630 was issued on January 10, 2007 and expired on January 10, 2019.

Page 5 is a printout from MLS's licensing system with notes from Mr. Lutchman indicating that Mr. Tereda was charged with sexual assault. As a result, Mr. Lutchman initiated a tribunal report.

MLS obtained a copy of the Toronto Police Service (TPS) Prosecution Summary dated November 13, 2018. This summary starts at page 8 of Exhibit 1 and is titled "Synopsis for a Guilty Plea". The offence alleged against Mr. Tereda is sexual assault. It is alleged that on November 12, 2018, Mr. Tereda was working as a taxi driver when he picked up a passenger who was sitting in the front seat with two other passengers in the back seat. During the taxi trip, the front seat passenger who suffers from Down's Syndrome was allegedly sexually assaulted by Mr. Tereda. When she was dropped off, the alleged victim reported what happened to a supervisor at the group home. She was taken to the police station where she provided a statement of the incident. The summary indicates that the video from the taxi was downloaded and evidence was found confirming the victim's allegations.

Mr. Tereda surrendered at the police station on November 13, 2018., and he was charged with sexual assault under s. 271 of the Canadian Criminal Code. After agreeing to conditions in an Undertaking Given to a Peace Officer or Officer in Charge and Promise to Appear before the presiding judge or justice on January 11, 2019, he was released from custody.

Page 16 is a chart that was prepared for MLS's tribunal report and it sets the criminal charge and the disposition was a bench warrant issued on February 7, 2019. The following pages from the ICON system are the source of the information in the chart.

Page 30 is a summary of decision by the Tribunal dated July 14, 2020 adjourning the hearing pending the disposition of the criminal charges and suspending the Vehicle-For-Hire Driver's Licence immediately. That suspension is still in place.

Mr. Singh testified further that the January 22, 2025 update signed by him refers to the same licence in this matter, and the date of expiry is 2019. The information on page 8 is a chart compiled with information from ICON, and it shows the same bench warrant that was in place in December 2019.

February 20, 2025

Page 12 is an Ontario driver's licence abstract dated January 17, 2025 with the Tereda's information and the status is shown as "unlicensed, unrenovable". This means that Mr. Tereda does not currently have an Ontario driver's licence.

Mr. Singh completed his testimony by indicating that Mr. Tereda has not had any contact with MLS Enforcement and, on January 12, 2025, MLS also unsuccessfully attempted to contact Mr. Tereda.

## **APPLICANT'S EVIDENCE**

No evidence was adduced on behalf of the Applicant.

## **SUBMISSIONS**

Mr. Gourlay submitted on behalf MLS that the licence should be revoked because Mr. Tereda is charged with the very serious offence of sexual assault on a vulnerable client in his taxicab. A licensee is in a position of trust when clients enter a taxicab, and Mr. Tereda has betrayed that trust.

In addition, Mr. Tereda does not have an Ontario driver's licence which is integral to receiving a vehicle-for-hire driver's licence.

## **DECISION**

The issue before the Tribunal is whether the Mr. Tereda's Vehicle-For-Hire Driver's Licence No. D01-3616630 should be revoked, suspended, or have conditions place on it.

Chapter 545-4 C. of the Toronto Municipal Code provides that an applicant for a licence is entitled to be issued a licence or renewal, except where:

- (1) The conduct of the applicant affords reasonable grounds to believe that the applicant has not carried on, or will not carry on, his or her trade, business or occupation in accordance with law and with integrity and honesty; or
- (2) There are reasonable grounds to believe that the carrying on of the trade, business or occupation by the applicant has resulted, or will result, in a breach of this chapter or any other law; or
- (5) The conduct of the applicant or other circumstances afford reasonable grounds to believe that the carrying on of the business by the applicant has infringed, or would infringe, the rights of other members of the public, or has endangered, or would endanger, the health or safety of other members of the public.

The standard of proof required by the Code is that the Tribunal decide whether or not there are "reasonable grounds to believe" that the applicant has acted or will act in a manner that is contrary to the requirements set out in the Code. Reasonable grounds to believe is a lower standard of proof than "balance of probabilities."

February 20, 2025

Mr. Tereda made the payment to renew his Vehicle-for-Hire Driver's licence on January 9, 2019. The licence had been issued on January 10, 2007 and expired on January 10, 2019. MLS, however, became aware on November 15, 2018, that Mr. Tereda had been arrested and charged with sexual assault. Information provided by Toronto Police Service indicated that the complaint was made by a passenger in Mr. Tereda's taxicab with Down syndrome who lived in a supervised group home. The Police report indicated that video from the taxicab appeared to confirm the allegation of the passenger. After his arrest, Mr. Tereda was released on a promise to appear in court. According to the ICON records, he has not appeared in court to answer the charge, and there is still a bench warrant outstanding for his arrest.

Sexual assault is a very serious charge and, even though he was served with notice by the Tribunal that a hearing would be held to determine the status of his licence, Mr. Tereda has not appeared at the three hearing dates set in this matter. As a result, the Tribunal has no evidence or submissions to consider on his behalf.

Based on all the evidence at the hearing and the submissions, the Tribunal has reasonable grounds to believe that, in accordance with §545-4 A of the Code, if the Vehicle-for-Hire Driver's Licence is renewed, Mr. Tereda's conduct has infringed, or would infringe the rights of other members of the public, or has endangered, or would endanger their health or safety.

The Tribunal is mandated by §546-8 A (3)(c) of the Code to balance the protection of the public interest with the Licensee's need to make a livelihood. The evidence shows and the Tribunal accepts that Mr. Tereda has not used his licence to earn a living since at least July 14, 2020 when it was suspended by the Tribunal on an interim basis. In all the circumstances, the Tribunal finds that the interest of the public outweighs Mr. Tereda's need to earn a livelihood as a vehicle-for-hire driver.

The Tribunal also accepts the evidence that Mr. Tereda's Ontario driver's licence expired on August 19, 2023 and he is unlicensed and his licence is unrenovable. The Code provides at §546-87 that:

- A. Every vehicle-for-hire driver shall have and maintain in good standing at all times an unrestricted Class G, or higher, Ontario driver's licence.
- B. If an individual's provincial driver's licence is suspended or revoked, the individual's vehicle-for-hire driver's licence shall be deemed suspended for the entirety of the period that the individual's provincial driver's licence is suspended or revoked.

Based on the information contained in the abstract at page 12 of the updated Report dated January 22, 2025, Mr. Tereda does not hold an Ontario driver's licence, and his licence is unrenovable. Therefore, in accordance with §546-87, the Tribunal revokes Vehicle-For-Hire Driver's Licence No. D01-3616630.

Taking into consideration all the evidence and the submissions, the Tribunal orders that Vehicle-For-Hire Driver's Licence No. D01-3616630 be revoked on the grounds that:

February 20, 2025

- (1) The Licensee does not have and is not maintaining in good standing at all times an unrestricted Class G, or higher, Ontario driver's licence as required by §546-87 of the Toronto Municipal Code.
- (2) The conduct of the applicant affords reasonable grounds to believe that the applicant has not carried on, or will not carry on, the business in accordance with law and with integrity and honesty;
- (3) There are reasonable grounds to believe that the issuing of a Vehicle-For-Hire Driver's Licence to the applicant has resulted or would result in a breach of §545 and §546 of the Code; and
- (4) The conduct of Mr. Tereda affords reasonable grounds to believe that the granting of a vehicle-for-hire driver's licence to the applicant would infringe the rights of other members of the public or would endanger their health or safety.

*Verlyn Francis*

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Verlyn Francis, Panel Chair

Reference: Minute No. 8/25

**Date Signed: February 27, 2025**